

United States District Court

Northern

DISTRICT OF

New York

U.S. MAGISTRATE JUDGE N.Y. OF N.Y.
FILED

JUN 04 2007

AT O'CLOCK
HON. LARRY A. KUDRLE

CRIMINAL COMPLAINT

UNITED STATES OF AMERICA

V.

Name: Gilberto ALDANA-Barrera
 Address: 88 Highland Avenue
Middletown, NY
 Birthdate: December 21, 1962
 (Name and Address of Defendant)

CASE NUMBER: 07-M-175LAK

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about June 2, 2007 in Clinton county, in the Northern District of New York defendant(s) did, (Track Statutory Language of Offense)

That on or about June 2, 2007, defendant ALDANA-Barrera, Gilberto evaded the Port of Entry at Overton's Corners in a motor vehicle and fled from the Port of Entry in excess of the legal speed limit.

in violation of Title(s) 18 United States Code, Section(s) 758

I further state that I am a(n) Lead Border Patrol Agent and that this complaint is based on the following facts: At approximately 9:00 PM on June 2, 2007, the Overton's Corners Route 276B Port of Entry notified Champlain Border Patrol Station Agents that a vehicle described as a late model Blue Jeep Liberty with Virginia plates had drove through the Port of Entry, avoiding inspection without slowing and at a high rate of speed. They also advised that the vehicle had been involved in a pursuit with the Royal Canadian Mounted Police. Champlain Border Patrol Agents were unable to locate the vehicle. However, an Agent from the Swanton Station was able to locate the vehicle in Swanton, Vermont at approximately 11:10 PM. The sole occupant and driver of the vehicle, Gilberto ALDANA-Barrera admitted, after being advised of his Miranda rights, that he had illegally crossed into Canada earlier in the day, and then that the police in Canada began chasing him. He also stated that he was unaware that he had reentered the United States and that he was lost when he was apprehended by Border Patrol Agents in Swanton. He also admitted to being a citizen of Columbia and to not having immigration documents allowing him to be in or remain in the United States. Follow-up investigation with Corporal Lucas of the Royal Canadian Mounted Police revealed that the vehicle driven by ALDANA struck a parked RCMP vehicle just north of the border near Alburg, Vermont. Lucas and another RCMP officer continued to pursue ALDANA south towards the Port of Entry at Overton Corner's, New York. Lucas also stated that ALDANA was traveling at approximately 100 miles per hour when he drove through the Port of Entry at Overton's Corners, New York. The speed limit on State Route 276 at the Port of Entry is 5 miles per hour. There are also multiple stop signs and warning cones leading up to and into the Port of Entry. The speed limit immediately after the Port of Entry is 30 miles per hour.

Continued on the attached sheet and made a part hereof:

{ } Yes

{x} No



JAMES B. BRANT, Lead Patrol Agent
Signature of Complainant

Sworn to before me and subscribed in my presence.

June 4, 2007
Date

LARRY KUDRLE, U.S. Magistrate Judge
Name & Title of Judicial Officer

Plattsburgh, New York
City and State

Signature of Judicial Officer